

E-Filed 12/04/07

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SHAPOUR KARIMI,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security, et al.,

Defendants.

Case Number C 07-5659 JF (RS)

ORDER TO SHOW CAUSE

On November 7, 2007, Plaintiff Shapour Karimi ("Karimi") filed the instant "Complaint For Writ in the Nature of Mandamus." Karimi asserts that Defendants have failed to process his N-400 Application for Naturalization ("application") in a timely manner.

Karimi alleges the following: he is a citizen of Iran and became a lawful permanent resident of the United States on September 14, 1999. Complaint ¶ 2. On June 28, 2004, after having satisfied all legal prerequisites, Karimi filed his application with the United States Citizenship and Immigration Services ("USCIS"). *Id.* at ¶ 12. On February 15, 2005, Karimi attended his citizenship interview with the USCIS and passed the civics and English tests. *Id.* at

¶ 14. More than 120 days have passed since Karimi's interview and his application is still pending with the USCIS because his background check has not yet been completed. *Id.* at ¶ 32-33.

Karimi alleges that, as a result, Defendants have violated the Administrative Procedures Act, 5 U.S.C § 701 et. seq. and certain of Karimi's citizenship rights. *Id.* at ¶ 36. Karimi requests that the Court adjudicate his application and enter a declaratory order that he is entitled to be naturalized.

Good cause appearing, IT IS HEREBY ORDERED as follows:

- (1) The Clerk of the Court shall serve a copy of the complaint and a copy of this Order upon counsel for Defendants, the Office of the United States Attorney. The Clerk of the Court also shall serve a copy of this Order upon Plaintiff.
- (2) Defendants shall, within sixty (60) days after receiving service of the complaint, show cause in writing why the relief prayed for should not be granted.
- (3) Plaintiff may file a response to Defendants' filing within twenty (20) days after receipt of such filing.
- (4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon the filing of the response or upon the expiration of time to file a response.
- (5) The order dated November 7, 2007, setting an Initial Case Management Conference and ADR deadlines, is hereby VACATED.

IT IS SO ORDERED.

DATED: 12/03/07


JEREMY FOGEL
United States District Judge

1 Copies of Order served on the following persons:
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3 Counsel for Plaintiff:

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